

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS,
INC.,

Plaintiff,

v.

THE TOWN OF LENOX AND LENOX
ZONING BOARD OF APPEALS,

Defendants.

Civil Action No. 3:05 cv 30131 MAP

**STATEMENT OF LENOX MEADOWS, LLC IN
RESPONSE TO THE COURT'S ORDER CONDITIONALLY GRANTING
LENOX MEADOWS' MOTION TO INTERVENE**

On January 17, 2007, this Court entered an Order conditionally granting Lenox Meadows, LLC's ("Lenox Meadows") Motion to Intervene provided that a responsive pleading (Answer) would be filed by Lenox Meadows by January 26, 2007.

Lenox Meadows has now determined that it is in its best interests not to file an Answer in this proceeding. Instead, Lenox Meadows has filed a Complaint in Massachusetts Land Court Department of the Trial Court. In that proceeding, Lenox Meadows challenges the right of National Grid Communications, Inc. ("National Grid") to utilize – without permission from Lenox Meadows – an easement which crosses Lenox Meadows' property to construct and/or maintain a telecommunications monopole on property owned by, or on behalf of, owned by Mr. and Mrs. Murray and Karel Rose.

Lenox Meadows has continued a dialogue with National Grid with respect to the possible siting of a telecommunications monopole. The Land Court proceeding was initiated so that all of the relevant parties, including the Roses, who own the parcel of land which will be the proposed location for the telecommunications monopole, will be before that Court.

Respectfully submitted,

Lenox Meadows, LLC

By its attorneys,

/s/ Sheryl A. Koval

Anthony M. Feeherry (BBO # 160860)

Sheryl A. Koval (BBO # 657735)

GOODWIN PROCTER LLP

Exchange Place

Boston, MA 02109-2881

617.570.1000

Dated: January 26, 2007

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 26, 2007

s/ Sheryl A. Koval

Sheryl A. Koval